

### REMARKS

No new matter is added by this amendment. The present application was filed on September 12, 2003 with original claims 1-42. By this amendment, claims 1, 18-19, 22-23, and 39-41 have been amended and new claims 43-44 have been added. Claims 1 and 22 are independent. The claims remaining in consideration are claims 1-44. Reconsideration is respectfully requested.

Claims 1-42 were provisionally rejected under the judicially created standard of non-statutory obvious type double patenting over claims 1-62 of co-pending Application Serial No. 10/661,140. Applicants respectfully assert that the independent claims of the present application, as amended, are patentably distinct from the claims of the '140 application. Therefore, Applicants respectfully request that the provisional obvious type double patenting rejections be withdrawn.

Claims 1-6, 20-27, and 35-42 were rejected under 35 USC §102(b) as being unpatentable over U.S Patent 6,024,641 issued February 15, 2000 to Robert A. Sarno (Sarno). This rejection is respectfully traversed.

Independent claims 1 and 22 have been amended to more clearly identify the subject matter applicants regard as the invention.

Sarno discloses a system for playing a lottery game over a remote network. The players may access the system over the remote network by different means, including "telephone, facsimile, personal digital assistant, pulse code system, web TV, or any other device or method that communicates alpha numeric data with a server" (see column 1, lines 14-16).

Amended independent claim 1 sets forth a remote system for use with a gaming system. The gaming system implements a player tracking system and includes a remote device and a remote network interface. The remote device is *embodied in a mobile computer which may be carried by a user*. The remote network interface is coupled to the remote device and receives a request for data associated with the remote device input by the user and relays the request to the remote network interface. The remote network interface receives the request, responsively retrieves the data from a host computer and delivers the data to the remote device.

Amended independent claim 22, sets forth a method for use with a gaming system. The method includes the steps of providing a remote device embodied in a mobile computer which may be carried by a user, providing a remote network interface coupled to the remote device, and receiving a request for data associated with the remote device input by the *user* (as opposed to a player). The method further includes the steps of relaying the request for data to a remote network interface, responsively retrieving information associated with the remote device from a host computer, and delivering the data to the remote device.

Sarno does not disclose such a method or apparatus for, *inter alia*, relaying a request for data from a user through a remote device, i.e., mobile computer, the data being associated with the remote device, retrieving the requested data from a host computer and sending the requested data back to the remote device. In the specification data associated with the remote device includes identification information and/or information related to the user of the remote device, as required by independent claims 1 and 22.

Since Sarno does not include each and every element of amended independent claims 1 and 22, the §102(b) rejection is improper and must be withdrawn.

Claims 2-6, 20-21, 23-27, and 35-42 are ultimately dependent upon allowable independent claim 1 or 22. Therefore for the reasons set forth above and based on their own merits, applicants respectfully assert that claims 2-6, 20-21, 23-27, and 35-42 are allowable.

Claims 7-19 and 28-34 were rejected under 35 USC §103(a) as being unpatentable over Sarno in view of Ramakrishnan (Database Management Systems, 1998, McGraw Hill) ("Ramkrishnan"). Claims 7-19 and 28-34 are ultimately dependent upon allowable claim 1 or 22 respectively. Therefore, for the reasons set forth above and based on their own merits, applicants respectfully assert that claims 7-19 and 28-34 are also allowable.

New independent claim 43 sets forth a remote system for use with a gaming system which implements a player tracking system. The remote system includes a remote device and a remote network interface. The remote device is embodied in a mobile computer which may be carried by a user. The remote network interface is coupled to the remote device. The remote device receives a request for data input by the user and relays the request to the remote network interface. The data is associated with an identification

of the remote device and/or the user of the device. The remote network interface receives the request, responsively retrieves the data from a host computer and delivers the data to the remote device.

As discussed above, Sarno does not disclose such a device. Therefore, applicants respectfully assert that claim 43 is allowable.

New independent claim 44 sets forth a method for use with a gaming system. The method includes the steps of providing a remote device embodied in a mobile computer which may be carried by a user, providing a remote network interface coupled to the remote device, and receiving a request for data associated with the remote device input by the user. The data is associated with an identification of the remote device and/or the user of the device. The method further includes the steps of relaying the request for data to a remote network interface and responsively retrieving information associated with the remote device from a host computer, and delivering the data to the remote device.

As discussed above, Sarno does not disclose such a method. Therefore, applicants respectfully assert that claim 44 is allowable.

Applicant believes that no additional fees are due, however, if any become required, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account 08-2789 in the name of Howard & Howard Attorneys.

Respectfully submitted

**HOWARD & HOWARD ATTORNEYS, P.C.**

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Date

/James R. Yee/  
**James R. Yee, Registration No. 34,460**  
The Pinehurst Office Center, Suite #101  
39400 Woodward Avenue  
Bloomfield Hills, Michigan 48304  
(248) 723-0349